

DETAILED ACTION

Allowable Subject Matter

1. In view of the Board of Patent Appeals and Interferences (BPAI) Decision entered on June 27, 2011 claims 26-29 are **REVERSED** and claims 1-14 and 91-94 are **AFFIRMED**.
2. Accordingly claims 1-14 and 91-94 are cancelled
3. Claims 26-29 are allowed subject to Examiner's Amendment

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Troy Smith on August 25, 2011.

Acknowledgments

5. In view of the interview conducted on August 25, 2011 between Troy Smith and Examiner Charles Agwumezie and/or subsequent meeting with Troy Smith and Examiner's Supervisor Calvin Hewitt on August 29, 2011, it is agreed that claims 1-14 and 91-94 stand as cancelled. Claims 26-29 have been amended under Examiner's

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amendment. By this amendment claims 26-29 are allowed subject to the examiner's amendment.

6. The Application has been amended as follows:

Claims 1-14 and 91-94 cancelled.

26. Amended) A method of altering a music signal to steganographically insert plural bits of watermark data therein, the method comprising:

~~characterized by~~ steganographically inserting, using a processor, at least a first group of ~~[[said]]~~ the plural bits for benefit of an end-user of the music signal by imperceptibly altering audible attributes of the music signal~~[[,]]~~;

inserting a second group of bits different than the first for benefit of an artist whose music is encoded by ~~[[said]]~~ the music data~~[[,]]~~;

inserting a third group of bits different than the first two for benefit of a distributor of the music data~~[[,]]~~; and

storing in a registry accessible to the end-user an association between information about the music data and at least a portion of the plural bits.

27. (Currently Amended) The method of claim 26, further comprising ~~including~~ storing in the registry an association between the first group of bits and an internet address of a web site accessible by end-users of the music signal, wherein the registry ~~providing~~ provides the web site address in response to receiving at least the first group of bits.

28. (Currently Amended) The method of claim 26, wherein ~~in which~~ the second group of bits includes bits representing a unique identifier for the music

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signal, wherein the unique identifier permits ~~permitting~~ machine identification of the signal and royalty credit to the artist.

29. (Currently Amended) The method of claim 26, wherein ~~in which~~ the third group of bits represents usage restrictions to which audio appliances are responsive, thereby driving distribution of additional copies of the music signal.

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:

The closest prior art of records is U.S. Patent No. 5,444,779 to Daniele.

8. Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-42 of the original specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, ...the inventor's lexicography must prevail...." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

9. The primary reference Daniele (U.S. Patent 5,444,779) discloses a method of utilizing printable glyph or similar two dimensionally encoded marks to identify copyrighted documents. The glyph codes are placed on a page of poetry, plays or music.

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10. Daniele however does not teach at least a method of altering a music signal and there fore does not disclose a method of altering a music signal to steganographically insert plural bits of watermark data therein, the method comprising: steganographically inserting, using a processor, at least a first group of the plural bits for benefit of an end-user of the music signal by imperceptibly altering audible attributes of the music signal; inserting a second group of bits different than the first for benefit of an artist whose music is encoded by the music data; inserting a third group of bits different than the first two for benefit of a distributor of the music data; and storing in a registry accessible to the end-user an association between information about the music data and at least a portion of the plural bits.

11. Moreover, the missing claimed elements from Daniele are not found in a reasonable number of reference(s). Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would not have been motivated to include these missing elements in an embodiment in the Daniele disclosure because: such would have changed the basic working principles and the operation of Daniele which silent on altering a music signal.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

13. The prior arts made of record and not relied upon is considered pertinent to applicants disclosure.

- Van Wie (U.S. Patent No. 6,240,185 B1) discloses Steganographic Techniques for Securely Delivering Electronic Digital Rights Management Control Information over unsecure communication channels.
- Moses (U.S. Patent No. 5,473,631) which discloses Simultaneous Transmission of Data and Audio Signals by means of perceptual coding.
- Hamilton (U.S. Patent No. 5,249,166) discloses Optical Disc Audio Reproduction Device haing track playback monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

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800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
September 1, 2011